

Title	Court Security Working Groups (amend rule 6.170 and renumber it as rule 6.171 and adopt a new rule 6.170 of the California Rules of Court)
Summary	New legislation amends the statutory provisions concerning the court security working group, creating two such groups each with specific recommending authority on court security issues. The proposed rules implement these statutory changes.
Source	Staff
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Discussion	<p>The final adoption of the FY 2003-04 state budget includes a half year reduction of \$11 million in court security funding which translates to a \$22 million reduction in FY 2004-05. Based on projected FY 2002-03 expenditures, this represents an approximate 3% reduction in court security funding to the trial courts for the 2003-04 fiscal year and a 6% reduction for FY 2004-05. This reduction is not based on a specific analysis of how savings can be achieved. Specific steps to achieve this savings are left to the Judicial Council to be based on the recommendations of a newly created Court Security Working Group under Government Code section 69927(a)(2). (A copy of section 69927 is attached.)</p> <p>Earlier legislation established a Court Security Working Group under Government Code section 69927(a)(1). This group continues in operation and is focused on fiscal guidelines.</p> <p>As part of the budget trailer legislation, a new Court Security Working Group is established pursuant to Government Code section 69927 (a)(2) and is charged with recommending uniform standards and guidelines that may be used by the Judicial Council and any sheriff or marshal for the implementation of trial court security services (Stats. 2003, ch. 159 (Assem. Bill No. 1759 (Committee on Budget)). This legislation became effective upon approval by the Governor, which occurred on August 2, 2003.</p> <p>Under the recent legislative amendments, the Judicial Council, after requesting and receiving recommendations from this group, may adopt “rules, standards, and policy directions for the trial courts to achieve efficiencies that will reduce security operating costs and constrain growth in those costs.” (Gov. Code §69927(a)(2))</p>

The exact composition of the working group is left to the council although the membership must consist of representatives from the judicial branch of government, the California State Sheriffs' Association, the California State Association of Counties, the Peace Officer's Research Association of California, and the California Coalition of Law Enforcement Associations.

The rule involving the former working group would be renumbered from rule 6.170 to rule 6.171 and renamed as the Working Group on Court Security Fiscal Guidelines to indicate that working group's more narrow focus. In addition, to facilitate the transfer of knowledge and expertise between the two working groups, amended rule 6.171 provides that the fiscal guidelines group includes, whenever possible, members of the other working group. Other changes to reflect changes in statutory references are also made to the rule.

The proposed new rule 6.170 formally establishes the Working Group on Court Security as required by section 69927(a)(2). The membership of the group is proposed to be:

- Eight judicial branch representatives
- Two county representatives
- Three county sheriff representatives
- One labor representative
- One person selected by the Peace Officer's Research Association of California
- A non-voting chair who is an appellate court justice

Attachement

Rule 6.170 of the California Rules of Court would be amended and renumbered as rule 6.171 to read:

Rule 6.170~~1~~. Working Group on Court Security Fiscal Guidelines.

(a) **[Purpose]** The Judicial Council ~~hereby~~ establishes the Working Group on Court Security Fiscal Guidelines. The purpose of the working group is to consider whether modifications are necessary and appropriate to the template which determines security costs, pursuant to Government Code section 69927(a)(1) ("template review") and to recommend changes to the limit for allowable costs, as set forth in Government Code section 69927(a)(4~~5~~) ("allowable costs review"). Template review may involve, among other items, that part of the template affecting law enforcement or security personnel in courtrooms or court detention facilities ("personnel template review").

(b) **[Composition]**

(1) *Composition for allowable costs review and template review, except personnel template review.* In performing allowable costs review and template review, except personnel template review, the group shall be composed as follows:

- (A) Six representatives from the judicial branch of government from the Working Group on Court Security established in Rule 6.170, as selected by the Administrative Director of the Courts;
- (B) The two representatives of the counties from the Working Group on Court Security established in Rule 6.170, ~~as selected by the California State Association of Counties~~; and
- (C) The three representatives of the county sheriffs from the Working Group on Court Security established in Rule 6.170, ~~as selected by the California State Sheriffs' Association~~.

(2) *Composition for personnel template review.* In performing personnel template review, the group shall be composed as follows:

- (A) The six representatives from the judicial branch of government selected by the Administrative Director of the Courts, under subdivision (b)(1)(A);
- (B) The two representatives of the counties ~~selected by the California State Association of Counties~~, under subdivision (b)(1)(B);

- (C) Two of the three representatives of the county sheriffs ~~selected by the California State Sheriffs' Association~~ under subdivision (b)(1)(C) as determined by ~~that association~~ the California State Sheriffs' Association; and
 - (D) Two representatives of labor selected by the California Coalition of Law Enforcement Associations.
- (c) **[Chair]** The Administrative Director of the Courts may designate one of the judicial branch members to be chair of the working group.
- (d) **[Initial Terms]**
 - (1) The initial and subsequent terms of the members of the working group on court security fiscal guidelines who are members because they are members of the working group established in rule 6.170 expire when their terms on that working group expire. The terms of any other members of the working group on court security guidelines are three years. as follows:
 - ~~(A) Four years for two representatives of the judicial branch, one representative of the counties, and one representative of the county sheriffs.~~
 - ~~(B) Three years for two representatives of the judicial branch, one representative of the counties, and one representative of the county sheriffs.~~
 - ~~(C) Two years for two representatives of the judicial branch and one representative of the county sheriffs.~~
 - ~~(2) The appointing authority may designate which members are appointed to two, three, and four year terms.~~
- ~~(e) [Terms] After the initial terms of members of the working group as provided in subdivision (c), the terms of members are three years. The appointing authority may fill any vacancy occurring for the remainder of the term.~~

Rule 6.170 would be adopted to read:

Rule 6.170. Working Group on Court Security

- (a) **[Purpose]** The Judicial Council establishes the Working Group on Court Security. The purpose of the working group is to recommend uniform standards and guidelines that may be used by the Judicial Council and any sheriff or marshal for the implementation of trial court security services. The Judicial Council, after receiving recommendations from the working group on court security may adopt rules, standards, guidelines, and policy directions for the trial courts in order to achieve efficiencies that will reduce security operating costs and constrain growth in those costs.
- (b) **[Composition]** The group is composed as follows:
- (1) Eight representatives from the judicial branch of government selected by the Chief Justice;
 - (2) Two representatives of the counties selected by the California State Association of Counties;
 - (3) Three representatives of the county sheriffs selected by the California State Sheriffs' Association; and
 - (4) One representative of labor selected by the California Coalition of Law Enforcement Associations.
 - (5) One representative selected by the Peace Officer's Research Association of California.
- (c) **[Chair]** The Chief Justice may appoint an appellate court justice, to serve as non-voting chair.
- (d) **[Initial terms]**
- (1) The initial terms of the members of the working group are as follows:
 - (A) Four years for three representatives of the judicial branch, one representative of the counties, one representative of the county sheriffs, one representative of the California Coalition of Law Enforcement Associations, and one representative of the Peace Officers Research Association.

- (B) Three years for three representatives of the judicial branch, one representative of the counties, and one representative of the county sheriffs.
- (C) Two years for two representatives of the judicial branch, and one representative of the county sheriffs.
- (2) The appointing authority may designate which members are appointed to two, three, and four year terms.
- (e) [Terms] After the initial terms of members of the working group as provided in subdivision (d), the terms of members are three years. The appointing authority may fill any vacancy occurring for the remainder of the term.

Government Code section 69927

(a) It is the intent of the Legislature in enacting this section to develop a definition of the court security component of court operations that modifies Function 8 of Rule 810 of the California Rules of Court in a manner that will standardize billing and accounting practices and court security plans, and identify allowable law enforcement security costs after the operative date of this article. It is not the intent of the Legislature to increase or decrease the responsibility of a county for the cost of court operations, as defined in Section 77003 or Rule 810 of the California Rules of Court, as it read on July 1, 1996, for court security services provided prior to January 1, 2003. It is the intent of the Legislature that a sheriff or marshal's court law enforcement budget may not be reduced as a result of this article. Any new court security costs permitted by this article shall not be operative unless the funding is provided by the Legislature.

(1) The Judicial Council shall adopt a rule establishing a working group on court security. The group shall consist of six representatives from the judicial branch of government, as selected by the Administrative Director of the Courts, two representatives of the counties, as selected by the California State Association of Counties, and three representatives of the county sheriffs, as selected by the California State Sheriffs' Association. It is the intent of the Legislature that this working group may recommend modifications only to the template used to determine that the security costs submitted by the courts to the Administrative Office of the Courts are permitted pursuant to this article. The template shall be a part of the trial court's financial policies and procedures manual and used in place of the definition of law enforcement costs in Function 8 of Rule 810 of the California Rules of Court. If the working group determines that there is a need to make recommendations to the template that specifically involve law enforcement or security personnel in courtrooms or court detention facilities, the membership of the working group shall change and consist of six representatives from the judicial branch of government selected by the Administrative Director of the Courts, two representatives of the counties selected by the California State Association of Counties, two representatives of the county sheriffs selected by the California State Sheriffs' Association, and two representatives of labor selected by the California Coalition of Law Enforcement Associations.

(2) The Judicial Council shall establish a working group on court security to promulgate recommended uniform standards and guidelines that may be used by the Judicial Council and any sheriff or marshal for the implementation of trial court security services. The working group shall consist of representatives from the judicial branch of government, the California State Sheriffs' Association, the California State Association of Counties, the Peace Officer's Research Association of California, and the California Coalition of Law Enforcement Associations, for the purpose of developing guidelines. The Judicial Council, after requesting and receiving recommendations from the working group on court security, shall promulgate and implement rules, standards, and policy directions for the trial courts in order to achieve efficiencies that will reduce security operating costs and constrain growth in those costs.

(3) When mutually agreed to by the courts, county, and the sheriff or marshal in any county, the costs of perimeter security in any building that the court shares with any county agency, excluding the sheriff or marshal's department, shall be apportioned based on the amount of the total noncommon square feet of space occupied by the court and any county agency.

(4) "Allowable costs for equipment, services, and supplies," as defined in the contract law enforcement template, means the purchase and maintenance of security screening equipment and the cost of ammunition, batons, bulletproof vests, handcuffs, holsters, leather gear, chemical spray and holders, radios, radio chargers and holders, uniforms, and one primary duty sidearm.

(5) "Allowable costs for professional support staff for court security operations," as defined in the contract law enforcement template, means the salary, benefits, and overtime of staff performing support functions that, at a minimum, provide payroll, human resources, information systems, accounting, or budgeting.

Allowable costs for professional support staff for court security operations in each trial court shall not exceed 6 percent of total allowable costs for law enforcement security personnel services in courts whose total allowable costs for law enforcement security personnel services is less than ten million dollars (\$10,000,000) per year. Allowable costs for professional support staff for court security operations for each trial court shall not exceed 4 percent of total allowable costs for law enforcement security personnel services in courts whose total allowable costs for law enforcement security personnel services exceeds ten million dollars (\$10,000,000) per year. Additional costs for services related to court-mandated special project support, beyond those provided for in the contract law enforcement template, are allowable only when negotiated by the trial court and the court law enforcement provider. Allowable costs shall not exceed actual costs of providing support staff services for law enforcement security personnel services.

The working group established pursuant to paragraph (1) of subdivision (a) may periodically recommend changes to the limit for allowable costs for professional support staff for court security operations based on surveys of actual expenditures incurred by trial courts and the court law enforcement provider in the provision of law enforcement security personnel services. Limits for allowable costs as stated in this section shall remain in effect until changes are recommended by the working group and adopted by the Judicial Council.

(6) "Allowable costs for security personnel services," as defined in the contract law enforcement template, means the salary and benefits of an employee, including, but not limited to, county health and welfare, county incentive payments, deferred compensation plan costs, FICA or Medicare, general liability premium costs, leave balance payout commensurate with an employee's time in court security services as a proportion of total service credit earned after January 1, 1998, premium pay, retirement, state disability insurance, unemployment insurance costs, worker's compensation paid to an employee in lieu of salary, worker's compensation premiums of supervisory security personnel through the rank of captain, line personnel, inclusive of deputies, court attendants, contractual law enforcement services, prisoner escorts within the courts, and weapons screening personnel, court required training, and overtime and related benefits of law enforcement supervisory and line personnel.

(A) The Administrative Office of the Courts shall use the actual salary and benefits costs approved for court law enforcement personnel as of June 30 of each year in determining the funding request that will be presented to the Department of Finance.

(B) Courts and court security providers shall manage their resources to minimize the use of overtime.

(7) "Allowable costs for vehicle use for court security needs," as defined in the contract law enforcement template, means the per mile recovery cost for vehicles used in rendering court law enforcement services, exclusive of prisoner or detainee transport to or from court. The standard mileage rate applied against the miles driven for the above shall be the standard reimbursable mileage rate in effect for judicial officers and employees at the time of contract development.

(b) Nothing in this article may increase a county's obligation or require any county to assume the responsibility for a cost of any service that was defined as a court operation cost, as defined by Function 8 of Rule 810 of the California Rules of Court, as it read on July 1, 1996, or that meets the definition of any new law enforcement component developed pursuant to this article.